

TOPSFIELD ZONING BY-LAW

PHASED GROWTH BY-LAW

CHAPTER X

A. Purpose and Intent

The purpose of this Article is enable the Town to continue the planning process to evaluate unsustainable development, i.e., large residential dwelling units that would require provision of substantial municipal services greater than the tax revenues generated so that such residences become a disproportionate burden upon all the taxpayers. Funding of such services is constrained by the real estate tax revenue generating limitations of Proposition 2 _ for which the Town has in the past required citizen approval of substantial overrides, the failure of which in the future may cause severe detrimental impact to the continuation of adequate and responsible municipal services. In addition, such growth severely impacts drinking water and wastewater management resources. This Phased Growth By-law is derived from a build out analysis and sound fiscal policy and is to be applied consistent with the Town's Community Development Plan which favors affordable and alternative housing and economic development and appropriate management of the natural and historic resources.

A. Applicability

This By-law applies to the issuance of building permits for all new residential dwelling units, unless exempted hereunder.

A. Residential Development Limitation

The Building Inspector shall issue building permits for construction of new dwelling units only if such permit issuance will not result in authorizing construction of a total of more than fifteen units in a given fiscal year.

A. Duration

This Phased Growth By-law shall remain in effect until the end of the fifth fiscal year following the effective date of enactment.

A. Issuance of Building Permits

A. The Applications shall be date and time stamped and reviewed a first in time basis. Permit applications that require substantive modification shall lose priority until resubmitted.

B. Procedure for subdivisions and lots under approval not required. No more than fifty percent of total annual limitation shall be issued to the applicants of lots in a subdivision approved after the effective date of this by-law and the endorsement date of lots created under approval not required.

C. Unused allotments may be carried over year to year.

A. Exemptions

The following shall be exempt from the provisions of the Phased Growth By-law.

1. Affordable housing units provided that such housing units have deed restrictions to ensure that they remain affordable for no less than the time period specified in the project approval.
2. Temporary Accessory Apartments pursuant to Article 7.03.
3. There shall be a limited exemption for building permits in an Elderly housing District such that there shall be an annual limitation of 25% of all units approved in addition to the annual limitation under section 10.4.
4. Such units as the Planning Board may exempt for the construction of units subject to a development agreement with the applicant seeking a building permit which is consistent with the Community Development Plan.
5. Assisted living facilities licensed under G.L. 19D and convalescent homes, nursing homes and other facilities licensed under G.L. 111 § 71.

A. Severability

If any provision of this By-law is held invalid by a court of competent jurisdiction, the remainder of this By-law shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of the By-law shall not affect the validity of the remainder of the Town's Zoning By-law.